UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,914	01/29/2007	Klaus Daffner	102132-29	4571

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/550,914	DAFFNER ET AL.
	Examiner	Art Unit	
	MEHMOOD B. KHAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02/25/2011_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-6,8,9 and 12-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

01/19/2011 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8, 12-15, 16 and 17 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Laumen et al. (US 2003/0086438 herein Laumen) in view of

Gabriel et al. (US 2004/0082348 herein Gabriel) in view of Shiigi (US

2004/0249899).

Claim 1, Laumen discloses a method for immediate delivery of an e-mail **(0008,**

SMTP, email since SMTP is a known protocol for sending emails) to a

telecommunication device of a recipient **(0008, UAB 11, 0006, UAB is an application**

on a user mobile device) via at least one telecommunication network **(0008, Fig. 3: 6,**

Public Land Mobile Network),

wherein the e-mail is transmitted **(0009, MMs originate from UAA)** from a

sender **(0008, UAA 11, MM is forwarded)** via a polled e-mail server **(0008, Fig. 3: 2,**

Relay/Server (RSA 2), since message is sent via "RSA 2", thus it is a polled

server) to the recipient

delivering the e-mail **(0041, delivering the MM to the UAB 11, via "RSB 12")** to

a telecommunication terminal **(0041, UAB 11)** of the recipient via conventional MMS or

WAP push systems **(0041, Fig. 4: 12, RSB 12, MMS servers using WAP)**,

in that in that the e-mails are forwarded from the e-mail **(0042, sending MM**

between "RSA 2" to "RSB 12") server to a specially configured push mail server

(0042, Fig. 4: 12, "RSB 12") based on the e-mail address of the recipient **(0363,**

receiving address in the message),

Laumen inherently discloses wherein the push mail server encapsulates the e-

mail in a suitable content type, so that the e-mail can be transmitted via MMS or WAP

push format **(0041, delivery using WAP)**

Laumen does not explicitly disclose from where they are delivered to the

telecommunication terminal based on a telephone number which is included in the e-

mail [[or determined from a database, via conventional MMS or WAP push systems]],

wherein a conventional WAP client or MMS client, which detects and processes the e-

mails encapsulated in the suitable content type, is installed in the telecommunication

terminal; if message units encapsulated with the suitable content type are detected, the

e-mail contained therein is extracted and transmitted to the e-mail client of the telecommunication terminal.

In an analogous art, Gabriel discloses from where they are delivered to the telecommunication terminal based on a telephone number, which is included in the e-mail **(0233, where Gabriel discloses sending the message to the intended recipient, after parsing the message)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Laumen by forwarding emails to devices based on addresses as taught by Gabriel so as to send messages to incompatible and distant cellular networks **(0007)**.

Laumen in view of Gabriel does not explicitly disclose wherein a conventional WAP client or MMS client, which detects and processes the e- mails encapsulated in the suitable content type, is installed in the telecommunication terminal; if message units encapsulated with the suitable content type are detected, the e-mail contained therein is extracted and transmitted to the e-mail client of the telecommunication terminal.

In an analogous art, Shiigi discloses wherein a conventional WAP client or MMS client, which detects and processes the e- mails encapsulated in the suitable content type, is installed in the telecommunication terminal **(0082-0084, encapsulated image in email is sent)**; if message units encapsulated with the suitable content type are detected, the e-mail contained therein is extracted **(0084-0085, message transmitted to client and image is viewed, thus email is extracted)** and transmitted to the e-mail client of the telecommunication terminal **(0085, viewing email messages, thus email client)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Laumen in view of Gabriel to encapsulate

handwritten messages as taught by Shiigi so as to allow people to communicate with handwritten electronic messages **(0006).**

Claim 2, Laumen discloses the e-mail address of the recipient **(0347).**

Laumen does not explicitly disclose wherein a subscriber account is established for each subscriber on the push mail server, the subscriber account including ~~at least~~ the telephone number of at least one telecommunication terminal and the original email address of the recipient.

In an analogous art, Gabriel discloses wherein a subscriber account is established for each subscriber on the push mail server **(0233, where Gabriel discloses account information)**, Gabriel discloses the subscriber account including ~~at least~~ the telephone number of at least one telecommunication terminal and the original email address of the recipient **(0233, where Gabriel discloses a phone number, and 0234, where Gabriel discloses sending messages to the user's email)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Laumen to include account information and telephone numbers as taught by Gabriel so as to send messages to incompatible and distant cellular networks **(0007)**.

Claim 3, Laumen discloses wherein forwarding of the e-mail from the e-mail server to the push mail server is controlled by a device and by applying forwarding rules **(Fig. 4: 2 where forwarding of emails is based is done by a RSA)**.

Claim 4, Laumen does not explicitly disclose wherein the push mail server

determines the telephone number of the telecommunication terminal of the recipient

from the employed push mail address.

In an analogous art, Gabriel discloses wherein the push mail server determines

the telephone number of the telecommunication terminal of the recipient from the

employed push mail address **(0233, where Gabriel discloses parsing the address)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Laumen to include parsing the address as taught by

Gabriel so as to send messages to incompatible and distant cellular networks **(0007)**.

Claim 5, Laumen discloses wherein the push mail server is connected to the

MMS or WAP push systems of the employed telecommunication network **(Fig. 4: 2 &

12, where Laumen discloses a MMS-WAP push system)**.

Claim 6, Laumen discloses wherein the function of the push mail server is

integrated directly in the existing e-mail server **(0006, 0007, Fig. 2: 2,12, where

Laumen discloses that it is well known to have a relay and server as one

configuration)**.

Claim 8, Laumen discloses wherein a "message/rfc822" is employed as a

content type **(0008, 0373, where Laumen discloses an email address)**.

Claim 12, as analyzed with respect to the limitations as discussed in claim 1.

Claim 13, Laumen discloses wherein the telecommunication terminal is a mobile
telecommunication terminal **(0006, where Laumen discloses a mobile radio)**.

Claim 14, Laumen discloses wherein the telecommunication terminal is a landline
telecommunication terminal **(0013, where Laumen discloses a computer)**.

Claim 15, as analyzed with respect to the limitations as discussed in claim 2.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over
Laumen in view of Gabriel in view of Shiigi in view of Ala-Luukko et al. (US
2003/0064706 herein Luukko).**

Laumen in view of Gabriel Shiigi does not disclose wherein the push mail server
includes a billing mechanism, which is used to produce toll tickets for the billing system
of telecommunication network operators or other service providers.

In an analogous art, Ala-Luukko discloses wherein the push mail server includes
a billing mechanism, which is used to produce toll tickets for the billing system of
telecommunication network operators or other service providers **(0023, where Ala-
Luukko discloses a billing tickets).** Therefore, it would have been obvious to one of
ordinary skill in the art at the time the invention was made to modify Laumen in view of
Gabriel in view of Shiigi to include billing tickets as taught by Ala-Luukko so as to track
message transactions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEHMOOD B. KHAN whose telephone number is (571)272-9277. The examiner can normally be reached on Monday - Friday 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. B. K./
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617